

HellerEhrman

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To: Examiner Christine Saoud, USPTO
Telephone: 703-305-7519 **Fax:** 703-308-0294

To: SPE Gary Kunz, USPTO
Telephone: 703-308-4623 **Fax:** 703-746-5113

From: Patricia D. Granados **Please return to Kristy Canales**
Telephone: (202) 912-2142
Direct Fax: (202) 912-2020

No. of Pages: 19 (including cover)
Date: November 1, 2002 **4871/38163-0010**

Message: RE: 08/455,975 Rubin Our Ref: 38163-0010

On October 30, 2002, we received the attached Notice of Abandonment mailed October 28, 2002, for failure to respond to the Final Office Action mailed March 12, 2002. Our Response, along with a Petition for a three month Extension of Time, Notice of Appeal and appropriate fees were filed on September 12, 2002. Copies of the date stamped receipt card, as well as copies of the documents as filed are attached. Please withdraw the abandonment, since apparently the originally filed papers were never matched with the USPTO file.

Thank you.

38804 v01.DC (TXW011.DOC)
11/1/02 9:39 AM (38005.0110)

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at (202) 912-2000.

Heller Ehrman White & McAuliffe LLP www.hewm.com

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Heller Ehrman White & McAuliffe
1666 K Street, NW, Suite 300
Washington, DC 20006-1228

Date: September 12, 2002

Docket No.: 38163-0010

The "Received" stamp of the U.S. Patent & Trademark Office hereon acknowledges receipt of the following:

Applicant: Jeffrey S. RUBIN et al.

Application Serial No.: 08/455,975

Application Filed: May 31, 1995

Title: METHODS OF TREATING A CONDITION BY STIMULATION OR INHIBITION OF EPITHELIAL CELL GROWTH USING KERATINOCYTE GROWTH FACTOR

TRANSMITTAL FORM; AMENDMENT; FEE TRANSMITTAL; PETITION FOR THREE MONTH EXTENSION OF TIME (\$920 FEE); NOTICE OF APPEAL (\$320 FEE); AND CHECK NO. 010827 FOR \$1,240.00

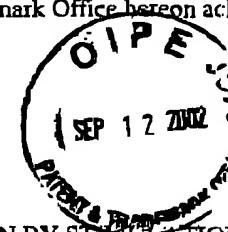
File in Mail Room

Date Due: September 12, 2002

Inspected by: TL

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kc *hr*
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<u>Invoice Number</u>	<u>Date</u>	<u>Amount</u>
38163/0010	9/10/2002	\$1,240.00

VENDOR CODE:	31050 COMMISSIONER FOR PATENTS	CHECK NUMBER:	10827
CHECK DATE:	09/10/2002	CHECK REQUEST:	299037
DC Operating		CHECK AMOUNT:	\$1,240.00

HellerEhrman

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WASHINGTON, DC 20231

Roger Gordan

Serial No. 08/455,995
38163-0010

AUTHORIZED SIGNATURE

1010827 05400154715162069235

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1240

Complete If Known	
Application Number	08/455,975
Filing Date	May 31, 1995
First Named Inventor	Jeffrey S. RUBIN et al.
Examiner Name	C. Saoud
Group / Art Unit	1647
Attorney Docket No.	38163-0010

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METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																									
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 08-1841</p> <p>Deposit Account Name HELLER EHRMAN WHITE & MCALIFFE</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="2">Fee Description</th> <th>Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th></th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>85</td> <td>Surcharge - late filing fee or oath</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td>For filing a request for reexamination</td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> </tr> <tr> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td>Extension for reply within second month</td> </tr> <tr> <td>117</td> <td>920</td> <td>217</td> <td>450</td> <td>Extension for reply within third month</td> </tr> <tr> <td>118</td> <td>1,440</td> <td>218</td> <td>720</td> <td>Extension for reply within fourth month</td> </tr> <tr> <td>128</td> <td>1,960</td> <td>228</td> <td>980</td> <td>Extension for reply within fifth month</td> </tr> <tr> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td>Notice of Appeal</td> </tr> <tr> <td>120</td> <td>320</td> <td>220</td> <td>180</td> <td>Filing a brief in support of an appeal</td> </tr> <tr> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td>Request for oral hearing</td> </tr> <tr> <td>138</td> <td>1,510</td> <td>139</td> <td>1,510</td> <td>Petition to Institute a public use proceeding</td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive - 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*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY					
Name (Print/Type)	Patricia D. Granados	Registration No. Attorney/Agent)	33,683	Telephone	202-912-2142
Signature	<i>Patricia D. Granados</i>			Date	Sept 12, 2002

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/455,975	05/31/1995	JEFFREY S. RUBIN	40399/299/NJ	9287
26633	7590	10/28/2002		

HELLER EHRLMAN WHITE & MCAULIFFE LLP
 1666 K STREET, NW
 SUITE 300
 WASHINGTON, DC 20006

[REDACTED] EXAMINER
 SAOUD, CHRISTINI J

[REDACTED] ART UNIT
 1647 PAPER NUMBER

DATE MAILED: 10/28/2002

201

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No. 08/455,975	Applicant(s) RUBIN et al.
Examiner Christine Saoud	Art Unit 1647

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on Mar 12, 2002.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

CHRISTINE J. SAoud
PRIMARY EXAMINER

Christine J. Saoud

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.